



Escena Community Association

May 9, 2024

Skye Daley, Chair
Cathedral City Planning Commission
68700 Avenida Lalo Guerrero
Cathedral City, CA 92234

TO: Planning Commission and Staff

The Escena Community Association representing the 540 homeowners in the Escena Community is in support of the Planned Unit Development proposed by EMP1. However, we believe that there are certain issues that should be addressed before approval is granted for the PUD and before any building permits are issued.

In a letter to us dated April 28, 2024, Sandra Molina, the Deputy Director of Planning Services, informed us that building permits would be released "So long as they comply with the conditions of the Tract Maps". The Escena Homeowners Association would like to make you aware of a few issues we see regarding the City issuing building permits to EMP1, LLC for tracts 32557 and 32558.

First, those tracts have not been annexed into our community. We have had three title companies research this and are in the process of obtaining a Condition of Title Report. We believe that everyone is relying on a 'Notice of Annexation' DOC 2009-0396862 dated 7/30/2009. This is the only Notice of Annexation that has been recorded on these two tracts. However, if you read the actual Notice, you will see that it is annexing in the Golf Club CC&Rs and not the Escena Master Declaration. Our CC&Rs Article XVI section 3 requires that a Notice of Annexation be recorded that explicitly references our CC&R document number and recording Date. The Notice of Annexation that everyone seems to be relying on does not do this. It instead references Doc #2005-0422504 and Doc# 22006-821152. Our Document number is: 2006-0821153.

We believe that this means that you do not have access to our private roads until these tracts are properly annexed, which is a requirement of tract condition 63. Furthermore, requirement 11 on the conditions of tract approval requires that an association agree to accept the responsibility and maintenance of, among other things, the community amenities, i.e., pool(s). We have already informed the Planning Department that our Master Association will not accept this responsibility. We were told by EMP1 that they would be setting up a Neighborhood Association to assume these responsibilities. Since they are not yet annexed into our community, they cannot set up a Neighborhood Association under our CC&Rs.

We are not trying to disrupt your process. We are in favor of the PUD providing the issues we raise are addressed. We ask that you request EMP1 to provide you and us with a copy of the recorded Notice of Annexation that references instrument number, (2006-0821153) dated 11/7/2006 for our CC&Rs. Additionally, we would ask that you meet condition number 11 and 12 before issuing any building permits and require EMP1 to set up a Neighborhood Association under our CC&Rs by filing and

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recording a Supplemental Declaration. Once these tracts are properly annexed, this Supplemental Declaration can then contain the language that conditions 11 and 12 require.

We are providing you with documentation that supports our assertions. If you have any questions or require additional information, please let us know. If you believe that these issues have already been addressed, then we request that you please provide us with an explanation along with any documentation upon which you are relying.

Thank you for giving these matters your immediate attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Gordon".

Richard Gordon, President
Escena Community Association

Cc: Planning Commission
Andrew Firestine
Sandra Molina
Dominique Camps